

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

NOEL BROWN,

Petitioner,

-against-

STATE OF NEW YORK,

Respondent.

20-CV-5280 (CM)

ORDER

COLLEEN McMAHON, United States District Judge:

By order dated July 13, 2020, the Court directed Petitioner to submit an *in forma pauperis* (IFP) application or pay the \$5.00 filing fee. The Court did not receive an IFP application or the \$5.00 filing fee from Petitioner, and on August 17, 2020, the Court dismissed this action without prejudice to Petitioner's refiling it. Instead of refiling the petition (together with an IFP application or the filing fee), or submitting the IFP application in this matter and seeking reconsideration of the order of dismissal, Petitioner appealed the order of dismissal.

Petitioner's application for a writ of *habeas corpus* under 28 U.S.C. § 2254 was dismissed for failure to submit the IFP application or pay the \$5.00 fee. Because the petition at this time makes no substantial showing of a denial of a constitutional right, a certificate of appealability will not issue. 28 U.S.C. § 2253.

SO ORDERED.

Dated: February 3, 2021  
New York, New York



COLLEEN McMAHON  
Chief United States District Judge